

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

## **[PROPOSED] COMPETENCY HEARING SCHEDULING ORDER**

Upon consideration of Defendant's unopposed Motion for a Hearing to Determine Whether Mr. Brockman is Competent to Assist in His Defense, made pursuant to Title 18, United States Code, section 4241(a), and having found there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and upon consideration of Defendant's unopposed Motion for a Competency Hearing Scheduling Order, IT IS HEREBY ORDERED:

1. A hearing shall be held before this Court on June 28, 2021, pursuant to Title 18, United States Code, sections 4241(c) and 4247(d), to determine whether the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
  2. At the government's request, in advance of the hearing, the Defendant shall undergo psychiatric or psychological examinations by licensed or certified psychiatrists or psychologists pursuant to Title 18, United States Code, sections 4241(b) and

4247(b). These examinations may include medical, clinical or forensic examinations as deemed necessary by the designated experts.

3. The Government shall notify the Court of the identity of the licensed or certified psychiatrists or psychologists to be designated no later than February 12, 2021.
4. The psychiatric or psychological examinations shall be conducted on a non-custodial basis in this District and shall be completed no later than April 16, 2021.
5. The examiners shall provide Defendant's counsel with reasonable notice, not less than seven days, in advance of all appointments necessary to conduct the examinations.
6. The examiners shall prepare a written report pursuant to the provisions of sections 4247(c), and shall file the report under seal, and provide the report to counsel for both parties by no later than May 7, 2021.
7. Any additional expert reports from either party shall be due no later than May 28, 2021.
8. Post-hearing briefs shall be due as follows:
  - a. The Government's post-hearing brief, if any, shall be filed no later than July 28, 2021.
  - b. The Defendant's opposition brief, if any, shall be filed no later than August 11, 2021.
  - c. The Government's reply brief, if any, shall be filed no later than August 18, 2021.

9. This Order supersedes and vacates the scheduling order dated January 15, 2021 (Dkt. No. 17).
10. Following a decision on the issue of competency pursuant to Title 18, United States Code, section 4241, the Court will schedule a status conference within 10 days of the competency determination, at which time the court will schedule motion dates, pretrial conference, and trial, if needed.
11. Pursuant to Title 18, United States Code, section 3161(h)(1)(A), the period of delay resulting from the competency examination and proceeding, including from the execution of this Order until at least August 18, 2021, shall be excluded from computing the time within which trial must commence in this matter.

Date: \_\_\_\_\_

HONORABLE GEORGE C. HANKS  
UNITED STATES DISTRICT JUDGE